

AMENDED IN ASSEMBLY JUNE 18, 2013

AMENDED IN ASSEMBLY JUNE 4, 2013

AMENDED IN SENATE MAY 1, 2013

AMENDED IN SENATE APRIL 23, 2013

**SENATE BILL**

**No. 311**

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**Introduced by Senator Padilla**

February 15, 2013

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An act to amend Sections 1415, 9255, and 9260 of the Elections Code, and to amend Sections 34457 and 34458 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Padilla. Local elections: charters and charter proposals.

Existing law requires a charter or charter amendment proposed by a charter commission for a city or city and county to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 95 days before the election. Existing law requires specified city or city and county charter proposals to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 88 days before the election. Existing law also authorizes the governing body of any city or city and county to propose a charter and submit the proposal to the voters for adoption at the next established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 88 days before the election.

This bill would eliminate the option of submitting a city or city and county charter, charter amendment, or charter proposal to the voters at a statewide primary or regularly scheduled municipal election, except for city or city and county charter proposals to amend a charter that are proposed by voter petitions, as specified, which the bill would require to be submitted to the voters at the next regularly scheduled general municipal election or at any established statewide general or statewide primary election occurring not less than 88 days after the date of the order of election. The bill would require a charter, charter amendment, or charter proposal not excepted to be submitted to the voters at a statewide general election, provided there are at least 95 or 88 days, as applicable, before the election. The bill would authorize the governing body of a city or city and county to direct that a charter proposal that proposes to amend a charter *in a manner that does not alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree or of any local government employee organization, or that proposes to amend a charter solely to comply with a court injunction or consent decree or with federal or state voting rights laws*, be submitted to the voters at the next regularly scheduled general municipal election or at any established statewide general or statewide primary election occurring not less than 88 days after the date of the order of election. The bill also would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1415 of the Elections Code is amended  
2     to read:  
3     1415. (a) (1) Except as provided in paragraph (2), a city or  
4     city and county charter proposal proposed by the governing body  
5     of a city or city and county on its own motion that qualifies  
6     pursuant to Section 9255 shall be submitted to the voters at the  
7     next established statewide general election *pursuant to Section*  
8     *1200* occurring not less than 88 days after the date of the order of  
9     election.  
10    ~~(2) The governing body of a city or city and county may direct~~  
11    ~~that a charter proposal that proposes to amend a charter solely to~~  
12    ~~comply with a court injunction or consent decree or with federal~~

1 ~~or state voting rights laws be submitted to the voters at the next~~  
2 ~~regularly scheduled general municipal election pursuant to Section~~  
3 ~~1301, or at any established statewide general or statewide primary~~  
4 ~~election pursuant to Section 1200 or 1201, occurring not less than~~  
5 ~~88 days after the date of the order of election.~~

6 *(2) The governing body of a city or city and county may direct*  
7 *that either of the following be submitted to the voters at the next*  
8 *regularly scheduled general municipal election pursuant to Section*  
9 *1301, or at any established statewide general or statewide primary*  
10 *election pursuant to Section 1200 or 1201, occurring not less than*  
11 *88 days after the date of the order of election:*

12 *(A) A charter proposal that proposes to amend a charter in a*  
13 *manner that does not alter any procedural or substantive*  
14 *protection, right, benefit, or employment status of any local*  
15 *government employee or retiree or of any local government*  
16 *employee organization.*

17 *(B) A charter proposal that proposes to amend a charter solely*  
18 *to comply with a court injunction or consent decree or with federal*  
19 *or state voting rights laws.*

20 *(b) A city or city and county charter proposal that proposes to*  
21 *amend a charter and is proposed by a petition signed by 15 percent*  
22 *of the registered voters of a city or 10 percent of the registered*  
23 *voters of a city and county, pursuant to subdivision (c) of Section*  
24 *9255, shall be submitted to the voters at the next regularly*  
25 *scheduled general municipal election pursuant to Section 1301, or*  
26 *at any established statewide general or statewide primary election*  
27 *pursuant to Section 1200 or 1201, occurring not less than 88 days*  
28 *after the date of the order of election.*

29 SEC. 2. Section 9255 of the Elections Code is amended to read:

30 9255. (a) A charter or charter amendment proposed by a charter  
31 commission, whether elected or appointed by a governing body,  
32 for a city or city and county shall be submitted to the voters at an  
33 established statewide general election pursuant to Section 1200,  
34 provided there are at least 95 days before the election. A charter  
35 commission may also submit a charter pursuant to Section 34455  
36 of the Government Code.

37 (b) Except as provided in paragraph (2) of subdivision (a) of  
38 Section 1415, the following city or city and county charter  
39 proposals shall be submitted to the voters at an established

1 statewide general election pursuant to Section 1200, provided there  
2 are at least 88 days before the election:

3 (1) A proposal to adopt a charter, or an amendment or repeal  
4 of a charter, proposed by the governing body of a city or a city  
5 and county on its own motion.

6 (2) A recodification of the charter proposed by the governing  
7 body on its own motion, provided that the recodification does not,  
8 in any manner, substantially change the provisions of the charter.

9 (c) The following city or city and county charter proposals shall  
10 be submitted to the voters at an established statewide general,  
11 statewide primary, or regularly scheduled municipal election  
12 pursuant to Section 1200, 1201, or 1301 occurring not less than  
13 88 days after the date of the order of election:

14 (1) A charter amendment proposed by a petition signed by 15  
15 percent of the registered voters of the city.

16 (2) A charter amendment proposed by a petition signed by 10  
17 percent of the registered voters of the city and county.

18 (d) Charter proposals by the governing body and charter  
19 proposals by petition of the voters may be submitted at the same  
20 election.

21 (e) The total number of registered voters of the city or city and  
22 county shall be determined according to the county elections  
23 official's last official report of registration to the Secretary of State  
24 that was effective at the time the notice required pursuant to Section  
25 9256 was given.

26 SEC. 3. Section 9260 of the Elections Code is amended to read:  
27 9260. The petition shall be in substantially the following form:

28  
29 Petition for Submission to Voters of Proposed Amendment to  
30 the Charter of the City (or City and County) of \_\_\_\_

31  
32 To the city council (or other legislative body) of the City (or  
33 City and County) of \_\_\_\_:

34 We, the undersigned, registered and qualified voters of the State  
35 of California, residents of the City (or City and County) of \_\_\_\_,  
36 pursuant to Section 3 of Article XI of the California Constitution  
37 and Chapter 2 (commencing with Section 34450) of Part 1 of  
38 Division 2 of Title 4 of the Government Code, present to the city  
39 council (or other legislative body) of the city (or city and county)  
40 this petition and request that the following proposed amendment

1 to the charter of the city (or city and county) be submitted to the  
2 registered and qualified voters of the city (or city and county) for  
3 their adoption or rejection at the next statewide general, statewide  
4 primary, or regularly scheduled municipal election pursuant to  
5 Section 1200, 1201, or 1301.

6 The proposed charter amendment reads as follows:

7  
8 First. (setting forth the text of the amendment) \_\_\_\_ (etc.)  
9

10	Signature	Printed Name	Residence	Date
11	_____	_____	_____	_____
12	_____	_____	_____	_____
13	_____	_____	_____	_____

14  
15 SEC. 4. Section 34457 of the Government Code is amended  
16 to read:

17 34457. After the charter prepared by the charter commission  
18 has been filed in the office of the clerk of the governing body of  
19 the city or city and county pursuant to Section 34455, the proposed  
20 charter shall be submitted to the voters of the city or city and  
21 county at the next established statewide general election pursuant  
22 to Section 1200 of the Elections Code, provided there are at least  
23 95 days before the election.

24 SEC. 5. Section 34458 of the Government Code is amended  
25 to read:

26 34458. (a) As an alternative to the procedure provided for in  
27 Sections 34450 to 34457, inclusive, the governing body of a city  
28 or city and county, on its own motion may propose or cause to be  
29 proposed, amend or cause to be amended, or repeal or cause to be  
30 repealed, a charter, and may submit the proposal for the adoption,  
31 amendment, or repeal thereof, to the voters at the next established  
32 statewide general election pursuant to Section 1200 of the Elections  
33 Code, provided there are at least 88 days before the election, or,  
34 for a proposal described in paragraph (2) of subdivision (a) of  
35 Section 1415 of the Elections Code, at an election specified in that  
36 paragraph.

37 (b) Prior to approving the submission to the voters of a proposal  
38 to adopt a charter, the governing body shall hold at least two public  
39 hearings on the matter of the proposal of a charter and the content  
40 of the proposed charter. Notice of the public hearings shall be

1 given by publication pursuant to Section 6066, in a newspaper  
2 designated by the governing body and circulated throughout the  
3 city, and by posting the notice in three public places within the  
4 jurisdiction at least 21 calendar days prior to the date of each public  
5 hearing. The second public hearing shall be held at least 30 days  
6 after the first public hearing. At least one of the public hearings  
7 shall be held outside of normal business hours to facilitate public  
8 participation. The governing body shall not conduct a vote on  
9 whether to approve the submission to the voters of the proposal  
10 to adopt a charter until 21 days after the second public hearing.

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